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Nineteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every six months on the return of all Kuwaiti property, including archives, seized by Iraq. The present report provides an account of the relevant developments since my last report (S/2005/233 and Corr.1) of 11 April 2005.

II. Background

2. The return of Kuwaiti property stolen by Iraq during its occupation of Kuwait has continued to be on the agenda of regional forums. The ministerial meeting of the Gulf Cooperation Council held in Saudi Arabia on 13 March 2005, among other things, underlined the importance of the return of Kuwaiti property and the national archives.

3. In a letter received by me on 9 March 2005, the Minister for Foreign Affairs of Iraq, Hoshyar Zebari, pointed out that Iraq continues the process of returning property with the best of intentions and goodwill. To that end, the Ministry of Foreign Affairs of Iraq has instructed all ministries to continue the search for documents belonging to the Kuwaiti official archives, with a view to returning them to Kuwait. The Minister stressed that a spirit of trust and cooperation between the Iraqi and Kuwaiti sides prevailed throughout the handover of books that took place on 22 November 2004.

III. Recent activities

4. There has been no progress with regard to the return of the Kuwaiti national archives, the official records of the country, in particular documents belonging to the offices of the Amiri Diwan, the Council of Ministers and the Ministry of Foreign Affairs. Kuwait considers their return essential. The High-level Coordinator, Yuli Vorontsov, has no information that the archives have been found.

5. In a letter dated 15 March 2005, the Permanent Representative of Kuwait to the United Nations advised the High-level Coordinator on the authenticity of the

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items that had been handed over to Kuwait by Iraq on 22 November 2004 (see S/2004/961). The Permanent Representative of Kuwait observed that 5,338 books had been returned to the library of the Kuwaiti National Assembly. Of that number, 4,534 books had the library seal. However, the ownership of the remaining 804 books was unknown owing to the removal of the first page, which indicated the name of the owner. Kuwait expressed appreciation to the Iraqi authorities for the return of the above-mentioned property.

6. During the reporting period, Ambassador Vorontsov has continued his efforts to expedite the return to Kuwait of spare parts belonging to Kuwait Airways Corporation, which were reportedly found on board Iraqi Airways Corporation's aircraft stationed in Tunisia. Following his conversation with the Permanent Representative of Iraq to the United Nations on 19 April 2005 and having contacted the Governments of Kuwait and Tunisia, the High-level Coordinator proposed on 27 April that the joint Kuwaiti-Iraqi mission of experts referred to in paragraph 24 of my seventeenth report (S/2004/961) travel to Tunisia in mid-May 2005. Tunisia expressed readiness to receive this mission beginning on 17 May 2005. The Permanent Representative of Kuwait to the United Nations informed the High-level Coordinator that Kuwait Airways Corporation had appointed a team of engineers and a legal expert to undertake a visit to Tunis together with an Iraqi team.

7. On 10 May 2005, the Permanent Representative of Iraq to the United Nations advised Ambassador Vorontsov that his Government attached great importance to the issue of a joint Kuwaiti-Iraqi mission of experts travelling to Tunisia to deal with the issue of spare parts reported to be on board the two Boeing-747 aircraft of the Iraqi Airways Corporation stationed in Tunisia. He stressed that the Iraqi Government was making the necessary arrangements to form a team of experts to carry out that mission. The Government of Iraq expressed its strong desire to cooperate with all parties to that end. The Permanent Representative of Iraq undertook to inform Ambassador Vorontsov once the preparations for travel have been finalized.

8. In November 2004, the head of Kuwait Airways Corporation informed Ambassador Vorontsov that several containers with spare parts belonging to Kuwait Airways Corporation had been found at the premises of the Baghdad International Airport and returned by Iraq to Kuwait. In a letter to the High-level Coordinator dated 5 May 2005, the Permanent Representative of Kuwait to the United Nations confirmed that on 26 February 2005, Kuwait Airways Corporation had received two 20-cubic-foot containers shipped by Iraqi Airways Corporation with spare parts and furniture. The number of containers received by Kuwait Airways Corporation from Iraqi Airways Corporation, including those two containers, totalled four. They contained 77,681 spare parts. However, according to the Kuwaiti side, those spare parts had no material value owing to inappropriate storage.

IV. Observations

9. It is regrettable that, more than two years after the fall of the regime of Saddam Hussein, the Kuwaiti national archives have not been found and returned to Kuwait. A resolute effort is needed to determine the fate of the archives. I have noted that the new Iraqi Government has taken steps to that end. Assistance of the

multinational force in Iraq in finding those documents is indispensable. The search activities must be intensified.

10. I welcome the agreement of the Iraqi Government to send Iraqi experts to Tunisia together with their Kuwaiti colleagues to deal with the issue of spare parts. I hope that the Iraqi team of experts will be ready to travel shortly. The willingness of Tunisia to grant its assistance to a joint Kuwaiti-Iraqi mission of experts is appreciated. Ambassador Vorontsov remains available to assist in such a mission.

11. I join the President of the Security Council in calling on all parties concerned to continue to work towards a satisfactory solution to all property aspects covered by the mandate of the High-level Coordinator. This remaining legacy of the Iraqi occupation of Kuwait should be dealt with efficiently and without delay.